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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,317	09/15/2003	Norman S. Martucci	0153.00095	1325

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EXAMINER
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MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
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1772

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/663,317

Applicant(s)

MARTUCCI ET AL.

Examiner

Michael C. Miggins

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-21, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19-21, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/07 has been entered.

### **REJECTIONS WITHDRAWN**

2. All of the rejections maintained in the final rejection of 8/18/2006, page 2, paragraph 2 have been withdrawn.

### **REJECTIONS REPEATED**

3. There are no rejections repeated.

### **NEW REJECTIONS**

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-16, 19-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 5460771) in view of Hegler (US 3976414).

Mitchell discloses a method of making a hose assembly (column 4, lines 15-25) including the steps of extruding into a tube shape a tubular inner fluoropolymer layer (column 5, lines 32-62), forming a substantially continuous jacket over the inner fluoropolymer layer while adhering said jacket and said inner layer together and corrugating the tube (column 5, line 63 through column 6, line 49), wherein the jacket is extruded over the inner fluoropolymer layer (column 5, line 63 through column 6, line 49), wherein the corrugation step includes injection molding the corrugations (column 14, lines 8-36) and wherein said extruding step comprises extruding the tube shape melt extrusion (column 5, lines 32-62).

Mitchell fails to disclose the step of forming a smooth inner layer and corrugating the jacket.

Hegler discloses the step of forming a smooth inner layer and corrugating the jacket (column 1, line 63 through column 2, line 9, column 3, lines 54-68 and column 4, lines 47-61) in a tube for the purpose of providing low weight, reduced consumption of raw materials, high vertical crushing strength, smooth inside surface and flexibility.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided disclose the step of forming a smooth inner layer and corrugating the jacket in the method of Mitchell in order to provide low weight, reduced consumption of raw materials, high vertical crushing strength, smooth inside surface and flexibility as taught or suggested by Hegler.

With regard to claims 19-20, Mitchell discloses that any geometry for the corrugations can be used (column 13, lines 14-49) and thus it would have been obvious to have provided the claimed corrugation geometry to conform to the material to be processed as suggested by Mitchell especially since a change in shape is considered obvious and well within the level of one of ordinary skill in the art (MPEP 2144).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 5460771) in view of Hegler (US 3976414), as applied to claims 14-16, 19-21 and 24 above, and further in view of de Rocheprise (US 5518676).

Mitchell fails to disclose wherein said extruding step comprises extruding the tube shape paste extrusion.

de Rocheprise discloses paste extrusion of a fluoropolymer to form a tube (column 2, lines 16-19) in order to provide a low, adjustable degree of anisotropy (column 1, lines 9-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein said extruding step comprises extruding the tube shape paste extrusion in the method of Mitchell in order to provide a low, adjustable degree of anisotropy as taught or suggested by de Rocheprise.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 5460771) in view of Hegler (US 3976414), as applied to claims 14-16, 19-21 and 24 above, and further in view of Egres, Jr. (US 6016848).

Mitchell fails to disclose depositing at least one braided layer as an intermediate layer.

Egres, Jr. discloses depositing at least one braided layer as an intermediate layer in a multi-ply PTFE tube (column 10, lines 6-10) for the purpose of providing improved strength.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided depositing at least one braided layer as an intermediate layer in the method of Mitchell in order to provide improved strength as suggested by Egres.

#### ***Allowable Subject Matter***

8. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims since the prior art fails to teach or suggest the step of etching the corrugations.

#### **ANSWERS TO APPLICANT'S ARGUMENTS**

9. Applicant's arguments of 1/18/07 have been carefully considered but are moot in view of the new grounds for rejection set forth above.

#### ***Conclusion***

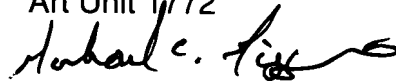
Art Unit: 1772

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Miggins  
Primary Examiner  
Art Unit 1772



MCM  
April 2, 2007